

8. (Amended) The DNA construct of claim 1, wherein said Gfi-1 binding site prior to said mutation is greater than 79% homologous with a sequence consisting of TAAATCACNGCA (Sequence I.D. No. 2), wherein N is A or T.

Remarks

Entry of this Amendment and reconsideration of the subject application in view thereof are respectfully requested.

I. Claims

Claims 1-25 were pending in this application. Of these claims 12-20 are withdrawn from consideration, claims 7, 8 and 25 are rejected and claims 1 and 8 are objected to.

Claims 1, 7 and 8 have been amended to more clearly define the invention. Claim 25 has been canceled. No new matter is added by this amendment.

II. Specification

Applicant respectfully submits that the specification has been amended to correct the Brief Description of Figures 2-4 and to identify sequences appearing at page 23, Table II as required by the Examiner on page 2 of the Office Action, and to claim the benefit of prior-filed applications. No new matter is added by these amendments to the specification.

Applicant respectfully submits that the specification has also been amended to include the sequence listing submitted herewith under § 1.825. A paper copy of the Substitute Sequence Listing consisting of SEQ ID NOS:1-70 is submitted concurrently herewith. Also submitted herewith is a substitute copy of the computer readable form (§ 1.825(b)) of the Substitute Sequence Listing.

Applicant hereby states that the amendments, made in accordance with 37 CFR §1.825(a), included in the substitute sheet(s) of the Sequence Listing are fully supported by the application as filed. No new matter is added. Applicant also states that the enclosed substitute copy of the computer readable form (substitute CRF diskette) and substitute paper copy of the "Sequence Listing" submitted herewith are identical as required under 37 CFR §1.825(b).

III. Claim Objections

Claims 1 and 8 were objected to because of certain informalities as stated on page 3 of the Office Action. Applicant has amended claims 1 and 8 to correct the informalities noted by the Examiner. Therefore, Applicant respectfully submits that this objection must be withdrawn.

IV. Rejections Under 35 U.S.C. § 112 First Paragraph, Enablement

The Examiner rejected claim 25 under 35 U.S.C. § 112, first paragraph for the reasons stated on pages 3-9 of the Office Action.

To expedite the prosecution of this application and in no way conceding the validity of the Examiner's rejection, Applicant canceled claim 25. Accordingly, withdrawal of the rejection under §112, first paragraph, is in order.

IV. Rejections Under 35 U.S.C. § 112 Second Paragraph

Claims 7 and 8 stood rejected under 35 U.S.C. § 112, second paragraph as indefinite.

Applicant amended claims 7 and 8 to reflect language suggested by the Examiner on page 10 of the Office Action. Applicant believes that these clarifying amendments obviate the asserted ground for the rejection. Reconsideration is respectfully requested.

VI. Conclusion

Applicant believes this response to be a full and complete response to the Office Action. Accordingly, favorable reconsideration in view of this response and allowance of all of the pending claims are earnestly solicited.

Respectfully submitted,



William J. McNichol, Jr.
Registration No. 31,179
Nanda P.B.A. Kumar
Registration No. 44,853
Attorneys for Applicant

Date: April 15, 2002

REEDSMITH LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, Pennsylvania 19103-7301
Fax: (215) 851-1420

William J. McNichol, Jr., Esq.
(215 241-7950)
Nanda P.B.A. Kumar
(215 241-7991)

Marked Up Version of Claims in Serial No. 09/202,549 in response to the Office Action of January 15, 2002

1. (Amended) An isolated DNA construct comprising at least one mutated binding site for a growth factor independence-1 (Gfi-1) transcription repressor, said mutated binding site comprising a mutation which hinders or prevents binding of said Gfi-1 repressor to said site.

7. (Amended) The DNA construct of claim 1, wherein said Gfi-1 binding site prior to said mutation is greater than 65% homologous with a sequence [comprising] consisting of TAAATCACNGCA (Sequence I.D. No. 2), wherein N is A or T.

8. (Amended) The DNA construct of claim 1, wherein said Gfi-1 binding site prior to said mutation is greater than 79% homologous with a sequence [comprising] consisting of [TAAACACNGCA] TAAATCACNGCA (Sequence I.D. No. 2), wherein N is A or T.